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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,941	03/18/2004	Seiji Sawatani	P21-166283M/NY	5154

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,941	Applicant(s) SAWATANI, SEIJI	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 18 March 2004 has been considered for this Office Action.

Claim Objections

3. Claims 2 and 4 are objected to because of the following informalities: Claims 2 recites "stepped portions" in line 2 of claim 2 and "abutting surfaces" in lines 5 and 8. These limitations refer to features provided in the split flanges. However, the use of this term renders the claim unclear because the same terms are used in lines 13 and 14 of claim 1 for a feature provided on the lower portion of the shaft portion and line 22 of claim 1 for a feature provided in the split flanges in the form of an L-shape. The stepped portions mentioned in claim 2 should be renamed as "second stepped portions" to make clear that these stepped portions are different from the stepped portions

mentioned in claim 1. The abutting surfaces mentioned in claim 2 should be renamed as "second abutting surfaces" to make clear that these abutting surfaces are different from the abutting surfaces mentioned in claim 1. Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Arisaka (US 6,511,273 B2).

A clip (10) comprises an insertion member (13), a latch member (16), a hinge member (15), a pair of split flanges (11) and a retaining protruding piece (17). The insertion member has a cross-sectional shape formed in a T-shape and has a head portion (18) and a shaft portion (14) connected downwardly from the head portion (Figs. 3-33). The latch member is V-shaped and is disposed on an outer side of the shaft portion (Figs. 3-33). The hinge member connects the shaft portion and the latch member (Figs. 3-33). The shaft portion presses both side leg portions of the latch member outwardly of the latch member to expand in diameter as the head portion is pressed (Figs. 9, 13, 17, 21, 25, 29, 30 and 33). Retaining pawls (19) are provided on projectingly on both side leg portions of the latch member that are engaged with

retaining stepped portions (14a) formed in a bulged manner on a lower portion of the shaft portion to hold a state in which the latch member expands in diameter (Figs. 9, 13, 17, 21, 25, 29, 30 and 33). The pair of split flanges are provided to be continued from upper end portions of the both side leg portions of the latch member and are mated in a shape of a flange by surrounding the shaft portion when the both side leg portions are closed (Figs. 9, 13, 17, 21, 25, 29, 30 and 33). One side of an abutting surface of each split flange protrudes to form an L-shape in a plan view and abuts against a corresponding side portion of the shaft portion (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The retaining protruding piece extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The retaining protruding piece is formed on each of both side leg portions (Figs. 5, 6, 10, 14, 18, 22, 26 and 30). The split flanges are mated to form a flange surrounding the shaft portion so as to hold the shaft portion when the retaining protruding piece is engaged with the shaft portion (Figs. 9, 13, 17, 21, 25, 29, 30 and 33).

A projection (22) is formed on an inner side of each of the both side leg portions at a position lower than a portion where the hinge member is connected (Figs. 3-33).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisaka in view of JP 2002-106519 (JP '519).

Arisaka discloses a clip having all the features mentioned above for the rejection of claim 1. The flanged disclosed by Arisaka fails to completely surround the shaft portion and stepped portions that are superposed on top of each other are respectively formed on abutting surfaces of the split flanges. However, JP '519 teaches a clip (c1) comprises an insertion member (2,3), a latch member (11B), a hinge member (20) and a pair of split flanges (12). Stepped portions (12C,12E) are superposed on top of each other are respectively formed on abutting surfaces of the split flanges (Figs. 1-9). One of the abutting surfaces (12C) that protrudes toward the shaft portion forms a stepped portion in which a lower side is a projection and an upper side is a recess. Another of the abutting surfaces (12E) where the retaining protruding piece is formed forms a stepped portion in which a lower side is a recess and an upper side is a projection. These flanges provided added security to the clip because the flanges completely surround the shaft portion and prevent accidental disengagement of the clip. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a split flange provided with stepped portions as taught by JP '519 in the clip disclosed by Arisaka. Doing so, provides added security to the clip because the flanges completely surround the shaft portion and prevent accidental disengagement of the clip.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Palmer et al. (US 4,312,614), Sato (US 5,028,187), Sinozaki (US 5,689,863), LeVey (US 6,045,309), Meyer (US 6,074,144 and US 6,533,515 B2), Leverger (US 6,196,756 B1), Arisaka (US 6,511,273), Anscher et al. (US 2004/0247410 A1) and Anchor (US 6,910,840 B2) are cited to show state of the art with respect to clips having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
July 25, 2005